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# Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo

## I. Introduction and Mission priorities

1. The present report is submitted pursuant to Security Council resolution 1244 (1999), by which the Council decided to establish the United Nations Interim Administration Mission in Kosovo (UNMIK), and requested that I report at regular intervals on the implementation of its mandate. The report covers the activities of UNMIK and developments relating thereto from 16 October 2016 to 15 January 2017.

2. The priorities of the Mission remain to promote security, stability and respect for human rights in Kosovo and the region. In furtherance of its goals, UNMIK continues its constructive engagement with Pristina and Belgrade, all communities in Kosovo and regional and international actors. The Organization for Security and Cooperation in Europe (OSCE) and the Kosovo Force (KFOR) continue to perform their roles within the framework of Security Council resolution 1244 (1999). The European Union Rule of Law Mission (EULEX) continues its presence in Kosovo in line with the presidential statement of the Security Council of 26 November 2008 (S/PRST/2008/44) and my report of 24 November 2008 (S/2008/692). The United Nations agencies, funds and programmes work closely with the Mission.

## II. Political and security developments

3. During the reporting period, tensions between Pristina and Belgrade reached worrying levels, exhibited through heated rhetorical exchanges and accusations surrounding disputed issues and events. As previously reported, the adoption, on 8 October 2016, by the Assembly of Kosovo of a new law on the Trepča industrial complex fuelled tensions among political stakeholders and generated strong protests from both Belgrade and the Serb community in Kosovo. As a result, Kosovo Serb representatives and officials have suspended their participation in governing institutions.

4. On 2 December, the Prime Minister of Kosovo, Isa Mustafa and other government officials, including the Minister for the Kosovo Security Force, Haki Demolli, attended the opening ceremony of the Bistrica bridge in Zvečan/Zveçan



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municipality at the invitation of KFOR, which had implemented the bridge refurbishment project. This provoked an immediate strong reaction by local Kosovo Serb activists, who set up a roadblock on the main route to the event. Kosovo officials were able to reach the ceremony using an alternate route. Kosovo Serb representatives then boycotted the ceremony, and three of the four mayors of the northern Serb-majority municipalities issued a communiqué accusing KFOR of acting in a non-neutral, political role and announced a suspension of official cooperation between the municipalities and KFOR.

5. As part of civil works to turn King Petar street in North Mitrovica into a pedestrian zone, the subject of European Union-facilitated discussions in Brussels, a retaining wall has been constructed at the southern end of the street, immediately facing the bridge. This drew fierce condemnation from Pristina, with escalating rhetoric calling for destruction of the wall. A compromise brokered by the European Union between the mayors of North and South Mitrovica to reduce the height of the wall has not been accepted by Pristina. Nonetheless, work has commenced to reduce the height of the wall. On 29 December, the Assembly of Kosovo adopted a non-binding resolution to remove the wall. The resolution constitutes a political statement rather than an executive decision, giving no instruction on how the wall should be removed. Despite obvious tensions at political level, there is no apparent tension within the North Mitrovica community.

6. On 4 January 2017, the leader of the opposition party Alliance for the Future of Kosovo and former Prime Minister, Ramush Haradinaj, was detained by the French authorities on the basis of an INTERPOL red notice issued at the request of Serbia for his alleged involvement in war crimes committed in Kosovo in the period 1998-1999. The arrest provoked angry responses both from Kosovo-Albanian political leaders and segments of the public in Kosovo. On 10 January, Serbia formally requested Mr. Haradinaj's extradition from France. On 12 January, the French courts provisionally released Mr. Haradinaj, but retained his passport pending a final decision on the matter.

7. Internationally, the tension between Pristina and Belgrade escalated further when Serbia instituted a new train service connecting Belgrade with North Mitrovica, with a train decorated conspicuously with the colours of the Serbian flag and the phrase "Kosovo is Serbia" translated into multiple languages. On 14 January, in advance of its first scheduled run, reportedly not coordinated with the Kosovo central authorities, Kosovo police deployed special units, including an estimated 60 officers and 17 armoured vehicles, to stop and check the train once it crossed the administrative boundary line. Under instruction from Belgrade, the train stopped before crossing the boundary and eventually returned to Belgrade. Accusations were levelled by politicians in both Belgrade and Pristina, with each accusing the other of intentionally provoking unrest and possibly violence. The insinuations and bellicose language inflamed public opinion among both Kosovo Serbs and Kosovo Albanians.

8. Within Kosovo, strained relations between governing and opposition parties and between parties within the governing coalition precluded progress on many government objectives. Legislative action within the Assembly of Kosovo was slow or at a standstill on many issues, including several pressing strategic issues, such as the ratification of the agreement on territorial delineation with Montenegro. As a

consequence, together with insufficient progress on corruption and organized crime, the European Union was unable to advance the case of Kosovo for inclusion in the Schengen area visa-free travel regime.

9. The death in custody on 5 November 2016 of a member of the Vetëvendosje ("Self-determination") opposition party, Astrit Dehari, led to political and civil tensions. Mr. Dehari had been held in pretrial detention in Prizren for 68 days on charges of terrorism in connection with the rocket-propelled grenade attack of 4 August on the Assembly of Kosovo building. Vetëvendosje claimed that Dehari was murdered, and peaceful protests were held in Pristina and Prizren demanding an impartial and transparent investigation to determine the causes of death. Following the autopsy results, the Office of the Chief State Prosecutor announced that the cause of death was self-inflicted mechanical asphyxia. The family's legal representative, however, challenged the validity of the autopsy. On 22 November, the Ministry of Justice inspectorate suspended four officials at the Prizren detention centre for "procedural negligence" in relation to Mr. Dehari's death. In a related development on 29 December, the Special Prosecutor filed an indictment on terrorism charges against four Vetëvendosje activists for allegedly firing a rocket-propelled grenade at the Assembly of Kosovo building on 4 August.

10. Tensions among Kosovo Serb political representatives were the subject of a public dispute between the Socialist Movement and Serbian Progressive Party branches of the Gradjanska Inicijativa Srpska Lista, with the Socialist Movement branch threatening to pursue an independent policy line, including by resuming their participation in government activities. On 26 December, Kosovo Serb political representatives met with the Prime Minister of Serbia, Aleksandar Vučić, in Belgrade, following which they confirmed unity within the Gradjanska Inicijativa Srpska Lista party. This included continuation of the boycott of official activities of Kosovo institutions.

11. Violent extremism, radicalization and terrorism continued to pose a threat to security in Kosovo and the region. In November, the authorities apprehended 19 persons suspected of planning terrorist attacks in Kosovo and the region, under the direction of Kosovo militants fighting with the Islamic State. A range of weapons and explosives were confiscated in the course of the arrests. On 30 November, the Court of Appeals confirmed the conviction of nine imams accused of recruiting 70 persons to support the Islamic State in the conflict in the Syrian Arab Republic. Sentences ranged from 4 to 18 years. In December, two individuals from Kosovo were arrested by the Belgian authorities for suspected participation in terrorist activities linked to the Islamic State.

12. Mixed migration continued to present challenges throughout the region. The effective closure of the Balkan route through the former Yugoslav Republic of Macedonia, Serbia and Croatia, announced by European leaders in early March, resulted in a large number of people on the move being stranded in Serbia. Correspondingly, the reporting period saw an increase in the number of persons transiting through Kosovo. In total, 307 people were intercepted in Kosovo during 2016, of whom 76 arrived in December. The trend shows that most migrants entered Kosovo from Albania with the intention of proceed further. Asylum seekers were treated in accordance with international humanitarian law, including with respect to

registration, medical examination and the provision of accommodation. To date, processing capacity has been sufficient to meet requirements.

13. On 23 December, the Assembly of Kosovo adopted the Law on the Budget for 2017, which amounts to over €2 billion. The budget has increased by more than 15 per cent as compared with 2016. This is underpinned by a sharp increase in capital expenditure to around €750 million. It is unlikely that the 2016 capital budget will be executed in full, with spending up to early November amounting to approximately 60 per cent of allocation. The 2017 budget includes an allocation of €50 million for the war veteran and war invalid pension schemes.

## III. Northern Kosovo

14. On 29 October, in the presence of Kosovo police, the last remaining citizens' barricade was voluntarily removed from the ethnically mixed neighbourhood of Bosniak Mahala in North Mitrovica. On the same day, a concrete obstacle known as "Adem Jashari Square" was removed from the same neighbourhood.

15. Civil Registry Offices, staffed by former personnel of the Ministry of Interior of Serbia now integrated into the Kosovo system, are being opened in all four northern municipalities. Once fully functional, these offices are expected to issue public documents, such as personal identity documents.

16. On 10 January 2017, a hand grenade exploded at the new Kosovo Government office in North Mitrovica, causing material damage to the premises. This incident followed an earlier one on 28 December 2016, when an unexploded hand grenade was found near the same building, following an unannounced visit by the Kosovo minister in charge of the technical dialogue between Belgrade and Pristina, Edita Tahiri.

## IV. Normalization of relations between Belgrade and Pristina

17. During the reporting period, some progress was made in the implementation of agreements reached within the framework of the European Union-facilitated dialogue between Belgrade and Pristina, specifically in the areas of integration of the judiciary, freedom of movement and telecommunications.

18. On 30 November, Belgrade and Pristina agreed on the final steps in the implementation of the agreement on the integration of the judiciary. It was agreed that the decisions previously rendered by Serbian-run courts in Kosovo would be recognized unless rendered in absentia, and that the North Mitrovica division of the Court of Appeals would have jurisdiction over all 10 municipalities with a Kosovo Serb majority. On 13 November, further agreement was reached on telecommunications. Following a request submitted by Austria, the International Telecommunication Union confirmed the allocation of dialling code +383 to Kosovo. The arrangement also confirmed the transfer of property and assets of the Serbian State-owned company, Telekom Srbija, to the newly established subsidiary company MTS, registered in Pristina, without any customs, taxes or charges. This transfer of assets will be completed and registered in the Kosovo cadastral system.

MTS will operate fully licensed fixed telephone services in Kosovo and obtain temporary authorization for mobile services.

19. No apparent progress was made on the establishment of the Association/Community of Serb-majority municipalities in Kosovo, which is a key aspect of the agreements reached within the framework of the European Union-facilitated dialogue. In addition, there continued to be delays in the implementation of the agreement on freedom of vehicular movement, including the provision regarding the reciprocal coverage of insignia on licence plates, which was initially planned to become effective on 15 November. Significantly, no high-level meetings had been held within the framework of the European Union-facilitated dialogue since January 2016.

## V. Returns, reconciliation, community relations and cultural heritage

20. In 2016, the Office of the United Nations High Commissioner for Refugees (UNHCR) recorded a total of 582 voluntary returns to Kosovo by members of non-majority communities. The total number of voluntary returns since 2000 stood at 27,286. UNHCR estimates that, at the end of December 2016, the total number of internally displaced persons living in Kosovo stood at 16,557. Of those, 423 resided in 29 collective shelters. In 2016, UNHCR assisted 480 individuals to obtain civil documentation.

21. In a regrettable attempt to obstruct returns, the Municipal Assembly in Suharekë/Suva Reka municipality issued a declaration on 31 October "conditioning the return of Kosovo Serb internally displaced persons to Mushtishtë/Mušutište village on resolving the issue of missing persons, an apology from Serbia and from the local Kosovo Serb community members for the crimes committed during the conflict in 1999". In a separate incident, on 1 December, Kosovo police physically evacuated 10 Serbian and Montenegrin displaced persons who were participating in a municipality-facilitated "Go and see visit" in Deçan/Dečani municipality, after the event was aggressively disrupted by protesters, including some municipal employees. It should be noted that, prior to the event, the Kosovo police had verified that no participants in the visit had criminal records or outstanding charges. Central in both cases are the unresolved issues of missing persons and the illegal occupation of property belonging to displaced persons, together with the manipulation of emotions in the receiving community. Kosovo police reported cases of serious physical assaults in Mitrovica and Viti/Vitina, and a number of cases of returnee houses being physically damaged. Primary responsibility for upholding the rule of law and ensuring the right of return sits with the Kosovo authorities, who must ensure that these incidents do not establish a precedent for the systematic obstruction of returns. In both the Suharekë/Suva Reka and Deçan/Dečani cases, the absence of a public institutional response has been disappointing.

22. On 28 November 2016, on the occasion of Albanian Independence Day, celebrated in Kosovo as Albanian Flag Day, the Turkish consulate in Prizren was slightly damaged by a Molotov cocktail attack. Five persons who were arrested in connection with the attack claimed that they were motivated by offence caused by

the display of a Turkish flag on Albanian Flag Day, and stated that they were unaware that the building was the Turkish consulate.

23. The Mission continued to monitor developments related to the promotion and protection of religious and cultural heritage. An issue of concern is the persistent rejection by the Kosovo authorities of the request for a building permit to reconstruct the Serbian Orthodox Church of St. Nicholas, located within the Holy Archangels Monastery complex in Prizren. Separately, unknown individuals changed the padlocks securing the unfinished church of Christ the Saviour, in Pristina, preventing access by church officials. In another incident, on 1 January 2017, unknown persons set fire to the Gazimestan memorial, north of Pristina, damaging the main door and the fabric covering two coffins. St. Nicholas Church in Pristina has also complained that the Kosovo Anti-Corruption Agency, which rents office premises from the Church, has not paid rent since June 2014 and has not responded to any of its requests for payment.

24. Some positive developments were also recorded, most notably the renovation of three cultural sites renovated in Kamenicë/Kamenica municipality under the "Confidence building through cultural protection in Kosovo" project funded by the European Union and implemented by the United Nations Development Programme (UNDP).

## VI. Human rights and rule of law

25. The number of unresolved cases of missing persons remained at 1,660. On 10 November 2016, President Thaçi, together with the head of the Kosovo Government Commission on Missing Persons, met with the representatives of the families of missing Kosovo Albanians and Kosovo Serbs. This was the first time since the end of the conflict in 1999 that the families of missing persons from both communities had met jointly in the presence of Kosovo institutions to discuss finding a solution to the issue. Following the meeting, the Kosovo Serb families nominated representatives to join the Commission.

26. On 16 November, excavation of a suspected mass grave site in northern Mitrovica was temporarily suspended owing to security concerns for the staff involved. In a separate development on 30 December, representatives of associations of Kosovo Albanian families gathered outside the Assembly of Kosovo, to draw the attention of the political leadership to the issue of missing persons. After Kosovo political leaders declined to join the gathering, the representatives forced their way into the Assembly building. The situation was defused when the Speaker of the Assembly, Kadri Veseli, met with the representatives to hear their grievances and concerns.

27. The Host State Agreement between the Netherlands and Kosovo, providing the legal basis for the Kosovo Specialist Chambers to conduct proceedings in the Netherlands into alleged crimes committed in Kosovo between 1 January 1998 and 31 December 2000, entered into force on 1 January 2017. On 14 December 2016, the Head of the EULEX Mission in Kosovo formally appointed Ekaterina Trendafilova as the first President of the Specialist Chambers for a term of four years.

28. On 28 October, the EULEX Special Prosecution Office of Kosovo filed an indictment for war crimes against the leader of the opposition party Initiative for Kosovo, Fatmir Limaj. On 15 November, the Court of Appeals in Pristina announced its verdicts in two separate war crimes cases, known as "Drenica 1" and "Drenica 2". The Court of Appeals, in its decision, reduced the sentence of the former mayor of Skenderaj/Srbica and former KLA Commander Sami Lushtaku from 12 to 7 years' imprisonment. Former KLA Commander-in-Chief Sylejman Selimi was sentenced to 10 years' imprisonment, while a third defendant, Jahir Demaku, was sentenced to 7 years' imprisonment. For the other defendants in these cases, the Court of Appeals upheld the judgment of the Basic Court of Mitrovica.

29. A number of investigations and prosecutions of officials accused of abuse of position or authority were undertaken during the reporting period. On 17 November, the EULEX Special Prosecution Office of Kosovo filed an indictment against 24 persons, including the former mayor of Skenderaj/Srbica, Sami Lushtaku, as well as senior officials of the Ministry of Justice, Kosovo Correctional Service personnel and medical staff at the Central Clinic in Pristina. The indictment alleges that the suspects treated a number of defendants preferentially while in custody during the "Drenica" trial and falsified medical diagnoses in order to allow the defendants to be detained at a hospital, which enabled them to escape. On 21 December in Vushtrri/Vučitrn, following a four-month long investigation, 59 Kosovo police officers were charged with corruption and abuse of power. Of those, 20 officers have been remanded in custody for 30 days, while another 16 have been placed under house arrest. The remaining 23 officers remained under investigation.

30. On 27 October, 7 persons were arrested on charges of smuggling of migrants during a Kosovo police operation supported by EUROPOL. On 9 November, 10 persons were arrested in an anti-smuggling operation conducted by Kosovo police in Pristina, Gjilan/Gnjilane, Ferizaj/Uroševac and Prizren municipalities. The EULEX mission expressed disappointment at the decision of the Kosovo Supreme Court of January 2017 to order a retrial of three men convicted of involvement in organ trafficking in the 2013 "Medicus" case. In March 2016, the Appeals Court had upheld the original convictions.

## VII. Partnerships and cooperation

31. During the reporting period, my Special Representative continued to engage constructively with the political leadership in Pristina and in Belgrade.

32. UNMIK continued to facilitate liaison between the Kosovo authorities and INTERPOL in order to provide important international law enforcement functions. This functionality is dependent on cooperation from the Kosovo authorities and their compliance with INTERPOL operating rules and procedures. The reporting period saw the adoption of new procedures by the Ministry of Justice and Kosovo police, which may impact negatively on that cooperation. UNMIK continued to engage with the Kosovo authorities and other stakeholders, as appropriate, to address the issue.

33. UNMIK continued to provide document certification services. A total of 541 documents were processed between 16 October and 15 December, comprising

120 civil status documents, 328 pension documents, 80 school attendance documents and 13 high school diplomas.

34. In collaboration with OSCE, the Council of Europe and the European Union Office in Kosovo, UNMIK held the event "Stand up for someone's rights today" on 7 December, to celebrate International Human Rights Day. My Special Representative, alongside the leadership of the partner organizations, engaged with participants and highlighted the strength and importance of their messages in the struggle to defend human rights.

## VIII. Observations

35. It is regrettable that the commitment of both Belgrade and Pristina to advance the dialogue appears to be waning, owing in part to a preoccupation with domestic political concerns. Loss of momentum raises the risk that the process of normalization, which is in the interest of both parties, will stall and potentially regress.

36. I am concerned at the rising tensions and escalating mutual recrimination which characterized relations between Pristina and Belgrade during the last quarter, particularly since this occurred amidst intensifying ethnic strains and heightened political rhetoric in the broader region. I call upon leaders on both sides to exercise greater prudence and restraint in their public positions, to avoid inflammatory language and to advance their positions by exclusively peaceful means and through responsible dialogue. In particular, the tendency to amplify lesser issues into full-blown disputes in the pursuit of tactical advantage or parochial gain has contributed to a deterioration of relations between Belgrade and Pristina.

37. From some leaders, I see examples of sincere commitment, courage and the vision of a better future, free of the zero-sum approach that undermines the real interests of the people that they serve. I find positive examples of leadership at all levels of governance, and hope that these will be replicated and become more frequent during the coming year.

38. I invite both parties to honour the agreements already achieved in the European Union-facilitated dialogue process in good faith and without undue delay. I remind leaders that no progress is irreversible, and if processes do not move forward, or if they do not deliver the tangible improvements fully expected by the people, there is a risk of regression, which may be dangerous.

39. While post-conflict emotions should always be acknowledged and effective forums for addressing conflict-related losses and grievances must be ensured, the right of safe and dignified return is fundamental and inviolable. The United Nations remains ready to support returns, reconciliation and the resolution of the difficult legacies of the conflict in Kosovo.

40. It is essential that Kosovo institutions comply with the operational requirements of INTERPOL and hence renew their full cooperation with UNMIK and its INTERPOL Liaison Office, in order to ensure effective engagement in international law enforcement efforts. Compliance with INTERPOL operating rules and procedures is crucial to the administration of justice.

41. UNMIK continues to shift towards a more focused approach to mandate implementation, in order to have a positive impact on the delicate situation in Kosovo, in particular through good offices, facilitation and community support. I take this opportunity to reiterate the importance of ensuring that UNMIK is appropriately resourced to address current and emerging challenges, including the fragile reconciliation and the evolving threat of violent extremism. The Mission, in its current configuration, is well suited to respond to challenges on the ground. I will continue to ensure that these resources are applied in the most effective and optimal manner.

42. I am encouraged by the continuing constructive engagement of the parties with my Special Representative, Zahir Tanin. His good offices remain at their disposal, to assist the peaceful resolution of disputes and misunderstandings.

43. I conclude by extending my gratitude to the long-standing partners of the United Nations in Kosovo, including KFOR, the North Atlantic Treaty Organization, the European Union and OSCE, and to the United Nations agencies, funds and programmes for their support for and cooperation with UNMIK.

# Annex I

## Report of the European Union High Representative for Foreign Affairs and Security Policy to the Secretary-General on the activities of the European Union Rule of Law Mission in Kosovo from 16 October 2016 to 15 January 2017

### 1. Summary

A number of verdicts were pronounced concerning war crimes, organized crime, corruption and other serious crimes. The Court of Appeals passed the verdicts in the "Drenica I" and "Drenica II" war crimes cases, modifying the first-instance judgments against some defendants and confirming the sentences against others. The Court of Appeals also passed a judgment in a case relating to the Ministry of Health against seven defendants by returning the case to the Pristina Basic Court for retrial. The Prizren Basic Court sentenced six defendants for fraud, legalization of false content and unlawful occupation of property in a case pertaining to unlawful usurpation of property in a historic part of Pristina. The Ferizaj/Uroševac Basic Court convicted a former Kosovo police officer of abuse of official position, accepting bribes, trading in influence, providing assistance to perpetrators and failure to report criminal offences. The Kosovo Special Prosecution Office filed a ruling at the Pristina Basic Court to terminate the investigation into alleged corruption within EULEX. In addition, several indictments were filed, including in the "Hospital escape" case as well as in a case concerning appropriation of socially owned properties (the "Azem Syla et al." case).

Following the integration of the first group of 32 former Serbian Ministry of Interior administrative staff, the Kosovo civil registry offices opened and officially started to provide services to people living in the four northern municipalities.

Following the death of the Vetëvendosje activist Astrit Dehari in custody, EULEX monitored the investigation by the Kosovo Correctional Service and initiated a basic medical training programme for the staff of the High Security Prison and Pristina Detention Centre. This training will also be given to the staff in other Kosovo Correctional Service facilities. EULEX also held training on negotiation, including critical incident management, for the Kosovo Correctional Service directors, to enhance their techniques and capabilities in this area.

On 7 December, the Joint Rule of Law Coordination Board met to assess progress on the rule of law and released a compact progress report covering the period from August 2015 to June 2016. The new Compact, reflecting the increased responsibility of Kosovo institutions, was signed between EULEX, the Kosovo Ministry of Justice, the Kosovo Judicial Council, the Kosovo Prosecutorial Council and the European Union Special Representative/European Union Office.

## 2. EULEX activities

### 2.1 Executive

*War crimes*

In October, a panel of one local judge and two EULEX judges started the appeals sessions in the case in which the Mitrovica Basic Court had found Ivanović guilty of war crimes against the civilian population and sentenced him to nine years' imprisonment ("Oliver Ivanović et al." case).

On 24 October, a panel of one local judge and two EULEX judges announced the verdict regarding the appeals of the defence and the prosecutor against the judgment in the "Drenica II" case. The Court of Appeals reduced the sentence for one defendant from eight to seven years, for another defendant from seven to six years and six months, and for two other defendants from seven to six years' imprisonment. The sentences of six other defendants, of three years' imprisonment, were confirmed.

On 7 November, the Ministry of Justice of Montenegro granted the request of the Kosovo Special Prosecution Office to extradite to Kosovo a citizen who had been wanted for war crimes there against the civilian population under the Criminal Code of the former Federal Republic of Yugoslavia. The person is under detention on remand until 27 January 2017.

On 15 November, a panel of one local judge and two EULEX judges decided on the appeals of the defence against the judgment rendered by the Mitrovica Basic Court in the "Drenica I" case. The Court of Appeals modified the judgment regarding one defendant by reducing his sentence from 12 to 7 years in prison. One other defendant was sentenced to five years, one was acquitted and the remaining verdicts were upheld.

On 9 December, a suspect in a case related to war crimes against the civilian population during March 1999 in Fushë Kosovë/Kosovo Polje, was extradited from Bosnia and Herzegovina, on the basis of an international wanted notice issued on behalf of a EULEX prosecutor. The defendant was placed under detention on remand.

*Organized crime and corruption*

In October, a panel of one local judge and two EULEX judges at the Ferizaj/Uroševac Basic Court convicted a former Kosovo police officer of abuse of official position, accepting bribes, trading in influence, providing assistance to perpetrators after the commission of an offence and failure to report criminal offences. The defendant received an aggregate sentence of seven years' imprisonment with a ban on holding any official position for a period of five years after release.

On 21 October, a panel of one local judge and two EULEX judges at the Prizren Basic Court rendered the judgment in a criminal case involving nine defendants and pertaining to unlawful usurpation of property in a historic part of Pristina where a modern building was erected without a construction permit. The panel found six of the defendants guilty of fraud, legalization of false content and

unlawful occupation of property, and sentenced two defendants to an aggregate punishment of 2 years and four others to 1 year and 10 months' imprisonment. Execution of the prison sentences was suspended for a period of two years. The panel rejected the charges of issuing unlawful judicial decisions, abuse of official authority and fraud against three other defendants as the charges exceeded the statutory limitations. All defendants were acquitted of the charges of organized crime.

On 25 October, a EULEX prosecutor at the Kosovo Special Prosecution Office filed two indictments in the "Azem Syla et al." case. In the first indictment, 22 defendants were indicted under 46 counts for criminal offences, including organized crime, money-laundering, accepting bribes, aggravated fraud, fraud in office, issuing unlawful judicial decisions, abuse of official position, legalization of false content and tax evasion. In the second indictment, 17 defendants were indicted on money-laundering charges.

On 7 November, the Kosovo Special Prosecution Office filed the ruling at the Pristina Basic Court to terminate the investigation into alleged corruption within EULEX (the "Hermes" case). The charges of accepting bribes against one defendant and the charges of giving bribes against three other defendants were dismissed. The evidentiary materials proved that former EULEX judge Francesco Florit did not solicit or accept any form of bribe, nor did he accept a promise of a bribe. The evidence also proved that the other three defendants did not commit the criminal offence of giving bribes.

On 17 November, a EULEX prosecutor filed an indictment in a case pertaining, inter alia, to the abuse of official position or authority, facilitation of the escape of persons deprived of liberty, intimidation during criminal proceedings, participation in or organization of an organized criminal group (the "Hospital escape" case) against 24 defendants, including three persons formerly convicted for war crimes and 11 members of the Kosovo Correctional Service.

On 9 December, a EULEX prosecutor filed an indictment against a defendant for money-laundering. This indictment is connected to the indictment filed on 3 March 2016 against 23 other defendants in the "Land 4 case", concerning 36.45 hectares of socially owned land which were acquired through an unlawful judicial decision.

On 13 December, a panel of one local judge and two EULEX judges at the Court of Appeals passed a judgment in a case relating to the Ministry of Health against seven defendants. They were charged with abuse of official position or authority, mistreatment in exercising official duties, accepting bribes, tax evasion and obstruction of evidence. The panel partially granted the appeal filed by the Kosovo Special Prosecution Office by annulling the first instance judgment for specific counts and returning the case to the Pristina Basic Court for retrial.

On 30 December, a panel of two local judges and one EULEX judge at the Supreme Court pronounced its verdict, annulling the previous judgments by the Pristina Basic Court and the Court of Appeals, which had found three defendants guilty of trafficking in human beings and organized crime in the "Medicus" case, which relates to the removal of kidneys at the Medicus Clinic for transplantation in 2008. The Supreme Court returned the case to the Pristina Basic Court for retrial on

the basis of two procedural violations. The EULEX judge submitted a dissenting opinion arguing that there was no reason to annul the judgments of the Pristina Basic Court and the Court of Appeals and to order a retrial.

*Other serious crimes*

In October, a panel of one local judge and two EULEX judges at the Court of Appeals partially granted the appeal of the defence against the judgment of the Mitrovica Basic Court of 23 October 2015 in a case involving one defendant and pertaining to the attack on a EULEX convoy near Zubin Potok on 3 April 2012. The charge of damage to movable property was rejected owing to the bar of the statutory limitation. The Court of Appeals convicted the defendant of the offences of endangering personnel, obstructing official persons in performing official duties and attacking official persons performing official duties, committed in concurrence and in continuity. The Court of Appeals confirmed the sentence of 1 year and 10 months' imprisonment, suspended for a period of 4 years.

On 21 November, a panel of EULEX judges at the Mitrovica Basic Court announced the verdict against two defendants in the criminal case related to the events that led to the murder of the Kosovo police officer Enver Zymberi in 2011. The defendants were convicted of the criminal offence of participation in a group obstructing official persons in performing official duties. One defendant was sentenced to 18 months' imprisonment, suspended for a period of 3 years, while the other defendant was sentenced to 2 years' imprisonment, suspended for a period of 4 years.

On 25 November, a EULEX prosecutor filed an indictment against one suspect charged with aggravated murder and attempted aggravated murder in the case relating to the murder of one victim and the attempted aggravated murder of one Kosovo police officer at the City Club in Pejë/Peć in 2010 (the "City Club case").

On 19 December, a panel of one local judge and two EULEX judges at the Court of Appeals passed a judgment in the criminal case against one defendant, charged with violation of the secrecy of proceedings and attempted obstruction of evidence or official proceedings. The panel found the defendant not guilty and affirmed the acquittal by the Mitrovica Basic Court.

*Institute of Forensic Medicine*

EULEX forensic experts at the Kosovo Institute of Forensic Medicine handed over seven sets of remains, conducted one exhumation and identified the remains of six individuals, two of whom were missing persons. They also carried out site assessments in Gllogoc/Glogovac, Kaçanik/Kačanik and Leposavić/Leposaviq and continued the site assessment at Kiževak in the Rudnica mining complex in Serbia, which was suspended on 2 December for the winter period until spring 2017. EULEX forensic experts continued work on the autopsy and clinical examinations backlog. Preparations were made for the launch of online training in forensic anthropology for two local doctors, to be conducted as from early 2017.

*Property rights*

The Kosovo Property Agency Appeals Panel received three new appeals and adjudicated 22 appeals, while 342 appeals were pending a decision of the panel.

The Special Chamber of the Supreme Court for privatization matters rendered 296 decisions in first-instance trial panel cases and finalized 67 cases at the appellate panel level.

*Integration of the judiciary*

Following the agreement reached in the framework of the European Union-facilitated dialogue between Kosovo and Serbia on the final steps for the implementation of the Justice Agreement, the integration of judges, prosecutors and judicial staff into the Kosovo judiciary was set to become fully effective in January 2017.

*Executive police*

On 26 and 27 October, EULEX held training for the International Law Enforcement Coordination Unit of the Kosovo police on international police cooperation in the fight against the trafficking in illicit goods. The training focused on the Unit's involvement, ways in which it can become the focal point for exchanging information among law enforcement authorities in Kosovo and the implementation of integration approaches with EUROPOL and INTERPOL.

From 21 to 24 November, EULEX conducted a training workshop on international police cooperation to enhance the performance of the International Law Enforcement Coordination Unit of the Kosovo police and to raise the awareness of specialized Kosovo police investigative units on how to benefit from various international police cooperation instruments and channels.

From 21 to 26 November, EULEX participated in a joint Silver Sabre 2016-2 exercise of KFOR, pertaining to tactics and operations in the planning and execution of both civil disturbance and natural disaster simulations. The exercise was aimed at further improving the ability of pillar security providers in Kosovo for collaboration and coordination.

### 2.2 Strengthening

With the integration of the first group of 32 former Serbian Ministry of Interior administrative staff, the Kosovo civil registry offices, based on the Brussels Agreement of 2013, have officially opened and started providing services to people living in the four northern municipalities.

The Joint Rule of Law Coordination Board met on 7 December to assess progress in the rule of law area, releasing a Compact Progress Report covering the period from August 2015 to June 2016. This marks an important step as it provided an opportunity for the future. A new Compact between EULEX, the Kosovo Ministry of Justice, the Kosovo Judicial Council, the Kosovo Prosecutorial Council and the European Union Office/European Union Special Representative was signed, representing increased responsibility for Kosovo institutions.

EULEX assessed that the Kosovo police Division of Specialized Units provided excellent response, up to European Union standards, in all manner of interventions, ranging from VIP security, complex crowd and riot control operations to high-level arrests and improvised explosive device operations. Regarding the Religious and Cultural Heritage Unit, it was operating at a satisfactory level. While there were no indicators of direct threats against religious sites, there was still a permanent need to secure sensitive religious sites. EULEX provided a final draft on the location of closed circuit television installation at religious and cultural heritage sites, as part of the European Union-sponsored UNDP project on confidence-building through cultural protection.

On 5 November, Vetëvendosje activist Astrit Dehari died in custody. He had been in detention since August, after he was arrested on suspicion of terrorism for allegedly launching an explosive device at the Assembly of Kosovo building. On 18 November, the Prizren chief prosecutor presented the forensic report and confirmed that Dehari had committed suicide, without any involvement by third parties. The Inspectorate of the Ministry of Justice found some procedural negligence by the Kosovo Correctional Service staff. An internal investigation has been conducted by the Kosovo Correctional Service. One Kosovo Correctional Service officer, two supervisors and the Acting Director of the Prizren detention centre were suspended as a precautionary measure. EULEX monitored the Kosovo Correctional Service from the initial phase of the investigation as well as the inspection conducted by the Inspectorate.

EULEX began to provide basic medical training for 54 staff of the High Security Prison and Pristina Detention Centre, to be continued in all other Kosovo Correctional Service facilities for staff that are in direct contact with prisoners and act as first responders in case of emergency. Negotiation training was held with Kosovo Correctional Service directors on critical incident management with the purpose of enhancing negotiation techniques to successfully tackle incidents such as blocking cells, climbing on high objects, hunger strikes, suicide threats, hostage taking, collective resistance, demonstrations and riots.

EULEX conducted workshops on the identification, recording, investigation and potential prosecution of hate crime and a workshop on the effective use of forensic capacities related to investigating sexual and gender-based violence. While both workshops had a thematic focus, both dealt with issues relating to the interoperability of relevant Kosovo institutions including the police, prosecutors, courts and civil society.

The Mission continued its monitoring activities relating to cases that are being handed over to local authorities.

The Kosovo Judicial Council adopted the amendments to the Regulation on Procedures of election, Appointment, Evaluation, Suspension and Dismissal of Court Presidents and Supervising Judges. The Council followed the advice of EULEX that the initial evaluation of candidates for court presidents be made by an evaluation committee, excluding Kosovo Judicial Council members serving as judges in the court concerned. EULEX was in regular discussions with the chair of the Council and the Normative Committee about the draft laws on the Kosovo Judicial Council and on disciplinary responsibility of judges and prosecutors, and

the Decision on the Regulation on Transfer and Assignment of Judges was adopted by the Council, with the comments of EULEX incorporated.

The Kosovo police published its second serious and organized crime threat assessment. EULEX considers this to be a solid basic document for the identification of current and future serious organized crime trends within Kosovo. The community policing strategy and action plan for Kosovo police 2017-2021 was finalized, with participants from the Kosovo police, OSCE, the International Criminal Investigative Training Assistance Program, UNDP, EULEX and members of the Islamic community. While the Kosovo police is increasingly trusted by the population, there is still a lack of education and material shortages in relation to putting the strategy into practice.

# Annex II

## Specialist Chambers and Specialist Prosecutor's Office

On 21 November 2016, the Kingdom of the Netherlands ratified the Agreement between the Netherlands and Kosovo. The Agreement entered into force on 1 January 2017, giving the legal basis for conducting judicial activity in the Netherlands.

On 14 December 2016, following the recommendation of an independent selection panel, Judge Ekaterina Trendafilova was appointed President of the Specialist Chambers by the EULEX Head of Mission. The President took up her duties on 12 January 2017.

The Specialist Prosecutor's Office continued seamlessly the work of the European Union Special Investigative Task Force, and continues to engage with individuals, injured parties and victim advocacy groups in order to gather evidence and information relevant to the investigation. While the Specialist Prosecutor's Office received satisfactory assistance from judicial and law enforcement authorities in Pristina and Belgrade and beyond during the reporting period, the Specialist Prosecutor looks forward to greater assistance as the pace and intensity of the work of the Specialist Prosecutor's Office increase.

The Specialist Prosecutor has stepped up outreach efforts aimed at explaining the role and responsibilities of the newly established Specialist Prosecutor's Office. The Specialist Prosecutor visited Pristina and Belgrade during the reporting period. During the trip, the Specialist Prosecutor reiterated his commitment to pursuing an independent and impartial investigation, guided only by the law, and to achieve outcomes that are legitimate and perceived as legitimate by those they affect.

# Annex III

## Composition and strength of the police component of the United Nations Interim Administration Mission in Kosovo

(as at 15 January 2017)

| *Country* | *Number* |
|---|---|
| Austria | 1 |
| Bulgaria | 1 |
| Estonia | 1 |
| Germany | 2[a] |
| Hungary | 1 |
| Italy | 1 |
| Russian Federation | 1 |
| **Total** | **8** |

[a] One police officer under United Nations contract.

## Composition and strength of the military liaison component of the United Nations Interim Administration Mission in Kosovo

(as at 15 January 2017)

| *Country* | *Number* |
|---|---|
| Czechia | 2 |
| Poland | 2[a] |
| Republic of Moldova | 1 |
| Romania | 1 |
| Turkey | 1 |
| Ukraine | 2 |
| **Total** | **9** |

[a] One military officer under United Nations contract.

UNMIK
January 2017
Operational boundary
International boundary
National capital
Republic capital or provincial capital
Town, village
Mountain pass
Major road
Secondary road
Railroad
0 5 10 15 20 25 km
0 5 10 15 mi
HQ Regional
M.L.T. North
HUNGARY
CROATIA
ROMANIA
BOSNIA AND HERZEGOVINA
SERBIA
MONTENEGRO
KOSOVO
BULGARIA
ITALY
ALBANIA
GREECE
SERBIA
MONTENEGRO
Kosovo
ALBANIA
THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA
Pristina
Kosovska Mitrovica
Prizren
Urosevac
Gnjilane
Kacanik
Tetovo
Gostivar
Brodec
Skopje
HQ UNMIK UNMIK HQ
HQ M.L.C Military Liaison Component HQ
M.L.T Military Liaison Team
UNMIK perimeter of operations
The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.
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January 2017 (Colour)
Department of Field Support
Geospatial Information Section (formerly Cartographic Section)